

3.01 Accomplice

Accomplice means a person, who, with the intent to promote or facilitate the commission of the offense, does any of the following:

1. solicits or commands another person to commit the offense; *or*
2. aids, counsels, agrees to aid, or attempts to aid another person in planning or committing the offense; *or*
3. provides means or opportunity to another person to commit the offense.

A defendant is criminally accountable for the conduct of another if the defendant is an accomplice of such other person in the commission of the offense, including any offense that is a natural and probable or reasonably foreseeable consequence of the offense for which the person was an accomplice.

Source: A.R.S. §§ 13-301 and -303(A)(3) (statutory language as of September 26, 2008).

Use Note: For offenses that occurred before September 26, 2008, the following instruction should be used:

Accomplice means a person, who, with the intent to promote or facilitate the commission of the offense, does any of the following:

1. solicits or commands another person to commit the offense; *or*
2. aids, counsels, agrees to aid, or attempts to aid another person in planning or committing the offense; *or*
3. provides means or opportunity to another person to commit the offense.

A defendant is criminally accountable for the conduct of another if the defendant is an accomplice of such other person in the commission of the offense. This criminal liability extends only to offenses that the defendant intended to aid, solicit, facilitate or command.

In *State v. Phillips*, 202 Ariz. 427, 436, 46 P.3d 1048, 1057 (2002), the court reversed a premeditated murder conviction, affirmed a felony murder conviction and held that to be an accomplice to premeditated murder, the defendant must intend to aid or facilitate another in committing the murder. The 2008 legislative amendment supersedes *Phillips*.